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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,915	12/16/1998	HIDEMI TAKASU	A28838-I-A	7678

7590

11/18/2002

BAKER & BOTTS
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NEW YORK, NY 10112

EXAMINER

ESTRADA, MICHELLE

ART UNIT	PAPER NUMBER
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2823

DATE MAILED: 11/18/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/212,915

Applicant(s)

TAKASU, HIDEKI

Examiner

Michelle Estrada

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 63-261833 (Japan '833) in combination with Wolf (Vol. 1), and further in view of Bayraktaroglu (US 5,166,083).

Japan '833 discloses formation of a buried layer by implantation if either p-type or a n-type conductive impurity through an opening in a patterned layer followed by annealing and formation of an epitaxial layer on the substrate surface. The use of a photoresist layer on a patterned insulating layer as the implantation mask is disclosed to be entirely conventional by Wolf (Vol. 1, p. 322). The reference does not appear to anneal in an oxidizing atmosphere, and thus discloses annealing in a non-oxidizing atmosphere, because the oxide formation and removal prior to epitaxial growth are not depicted. Heating of the substrate for some time period after the anneal step is in practice unavoidable when desiring to fully activate the implanted ions. Diffusion of the implanted impurities to expand the implanted region necessarily takes place during the anneal (Wolf, p. 307, third full paragraph). Wolf discloses epitaxial growth at temperatures equal to and above 1000°C to be conventional (p.136, fig. 14). It therefore would have been within the scope of one of ordinary skill in the art to perform

the epitaxial growth step of Japan '833 at the temperatures equal to and above 1000°C shown to be suitable by Wolf. It also would have been within the scope of one of ordinary skill in the art to perform the epitaxial growth without cooling the wafer after annealing and diffusion of the implanted ions because cooling of the wafer is not disclosed as necessary by Japan '833 and because epitaxial growth temperature is higher than the annealing and diffusion temperatures. In view of the discussion of the prior art process in Japan '833 as well as the process of the invention it is clear that the silicon surface through which the implantation takes place is the same surface on which epitaxial growth takes place as opposed to a surface that is exposed by removal of an oxide layer formed during annealing (See p. 5, first full paragraph and p.6, 2nd paragraph, for example).

Neither reference discloses that the various steps are carried out all in the same reactor furnace. Bayraktaroglu discloses implanting ions in the substrate, activating them and epitaxial growth of a layer, all carried out in the same reactor chamber (Col. 3, lines 57-66). It would be within the scope of one of ordinary skill in the art to employ the method of Bayraktaroglu for its disclosed intended purpose to achieve the epitaxial layer formation step of the combination.

The examiner takes official notice that providing a cleaning gas such as H₂ or HCl to clean up the surface of the substrate was known at the time of the applicant's invention. It would have been within the scope of one of ordinary skill in the art to employ the known process for its known intended purpose to achieve the steps of the combination.

The choice of particular temperatures for the annealing/activation and epitaxial growth steps would have been a matter of routine optimization because temperatures for the steps are recognized as result effective variables. See MPEP 2144.05.

Response to Arguments

Applicant argues that the Examiner incorrectly asserts that a non-oxidizing atmosphere is inherent based on the fact that there is no disclosure in either Japanese reference or the Wolf reference regarding oxide formation and removal. However, the reference does not disclose oxide formation and removal, and also indicates that the surface that is implanted "and non-crystallized", or amorphized, is the same surface on which epitaxial growth occurs (See p. 5, 1st full paragraph of translation).

Applicant argues that Bayraktaroglu does not disclose an annealing process carried out in the same reactor as an epitaxial growth process. However, the reference discloses activating the implanted ions in the growth chamber, thus one of the possible ways of activating the implanted ions is annealing.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Estrada whose telephone number is (703) 308-0729. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 703-306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



MEstrada
November 12, 2002



Olik Chaudhuri
Supervisor
Art Unit 2823
November 12, 2002